

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application by the return of the initialed and signed PTO-1449 forms and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action. Applicant gratefully acknowledges the Examiner's allowance of claims 1-14

Upon entry of the present Amendment, claims 18-29 will have been added. Claims 1-29 remain pending for consideration by the Examiner. Applicant notes that claims 18-29 generally correspond to allowed original claims 1-6, 8-12 and 14, and recite, *inter alia*, a digital camera having a body.

The Examiner has provisionally rejected claims 15-17 under the judicially-created doctrine of obviousness-type double-patenting as being unpatentable over claim 1 of copending application No. 10/646,771.¹ Applicant submits herewith a Terminal Disclaimer fully complying with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 3.73(b). Thus, Applicant respectfully requests the Examiner to withdraw the double patenting rejections, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

While Applicant notes that the present double patenting rejection is premature (since the

¹ Applicant notes that page 2 of the Official Action, the Examiner noted that only claims 15-16 were provisionally rejected under the judicially-created doctrine of obviousness-type double-patenting. However, in a conversation between the Examiner and Applicant's representative, the Examiner indicated that such was a clerical error, and that claims 15-17 were provisionally rejected.

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claims in either application have not yet been patented) and inappropriate, since Applicant submits that there is no motivation to combine the present invention of at least independent claim 15 with at least the support plate fixing device, the at least one rotatable shaft and the at least one pair of elongated holes of claim 1 with copending application No. 10/646,771, Applicant is filing the enclosed terminal disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of U.S. Patent Application No. 10/646,771 in any way conflict. However, neither Applicant nor the Assignee intends to make any representation as to whether the invention defined by any of the claims of the present application and those of U.S. Patent Application No.10/646,771 would have been obvious in view of each other, or whether an obviousness-type double patenting rejection would be appropriate if the enclosed terminal disclaimer was not filed. Nor does Applicant acquiesce in the propriety of the Examiner's rejection. The terminal disclaimer is being filed only to expedite the allowance of the pending claims.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF ALLOWABLE
SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on September 22, 2004, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

Applicant thus respectfully submits that each and every pending claim in the present application is in condition for allowance, and respectfully requests withdrawal of the outstanding objection and rejection, and allowance of all pending claims in the present application.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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